

**REMARKS/ARGUMENTS**

The Office Action mailed March 9, 2005 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Claims 1, 11, 21, 31, 59, 62, 65 and 68 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these changes may be found in the specification, page 22, line 8 through page 24, line 12. The text of claims 2-10, 12-20, 22-30, 32-58, 60, 61, 63, 64, 66, 67 and 69-75 is unchanged, but their meaning is changed because they depend from amended claims.

With this amendment it is respectfully submitted the claims satisfy the statutory requirements.

**The First 35 U.S.C. § 103 Rejection**

Claims 1-3, 6-8, 11-13, 16-18, 21-23, 26-28, 31-48, 51-59, 61, 62, 64, 65, 67 and 68-75 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Applicant's Admitted Prior Art in view of Chao et al.<sup>1</sup> and in further view of Ganz et al.<sup>2</sup>, among which claims 1, 11, 21, 31, 59, 62, 65 and 68 are independent claims. This rejection is respectfully traversed.

The Office Action alleges that "Ganz teaches that the polling sequence is adapted according to the rate of packet arrival on each queue (col. 3, lines 20-34; col. 4, lines 39-44; col.

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<sup>1</sup> U.S. Patent No. 5,007,070

<sup>2</sup> U.S. Patent No. 6,049,549

8, line 17-col. 9, line 63; and col. 14, lines 3-15). Here a particular queue with a high data rate will be polled more frequently during a polling cycle than a queue with a low data rate (col. 3, lines 20-34; col. 4, lines 39-44; col. 8, line 17-col. 9, line 63; and col. 14, lines 3-15). In the example polling sequence, shown in col. 8, line 17-col. 9, line 63, the polling sequence polls session 5 and 6 twice during the polling cycle. Given that the polling cycle is modified according to data rates, these excess polls can be dynamically changed in order to accommodate sessions with a high data rate (col. 3, lines 20-34; col. 4, lines 39-44; col. 8, line 17-col. 9, line 63; and col. 14, lines 3-15). As such, during each polling cycle, the polling sequence will vary where the sequence indicates an order in which each of said input interface queues should be polled during a single polling cycle. Therefore, Examiner maintains that Ganz reads on the newly added limitation."

Claim 1 as amended includes the element "wherein the order includes an indication of where each of the input interface queues should be polled in relation to every other of the input interface queues". This element taken along with the element "determining...using the set of estimated data arrival rates of the plurality of input interface queues" makes clear that the claimed invention produces an indication of where each of the input interface queues should be polled in relation to every other of the input interface queues using the set of estimated data arrival rates.

The Office Action attempts to equate the fact that Ganz can add or remove polls to a polling cycle with the creation of an order using the set of estimated data arrival rates. Ganz, however, only teaches basing a decision of whether or not to poll a specific device on estimated

data arrival rates. Ganz does not then also teach basing the decision of where the poll lies in the ordering of the polls during the polling cycle. In the example referred to by the Office Action, Ganz teaches deciding whether or not to include the second polling of sessions 5 and 6 in the polling cycle. However, there is no indication that the decision of where to place these polls in the ordering of the polling cycle is based on estimated data arrival rates. By all accounts, once Ganz decides to poll the session (or poll it again) in the polling cycle, the ordering of when it is polled in relation to the other sessions is irrelevant. Ganz makes no teaching that this ordering would matter at all, and it appears from the given example that it simply polls them in numeric order, then following up with the second polls (also in numeric order). In short, in order to teach the presently claimed invention according to claim 1, Ganz would have to teach making a decision as to where to place the second polling of session 5 based on the estimated data arrival rates. Ganz provides no such teaching, nor does it teach basing the ordering of any of the sessions on the estimated data arrival rates. The only decision it uses the estimated data arrival rates for is whether or not to include a session in a polling cycle (and how many times to include it). Therefore, Ganz fails to teach all of the elements of claim 1 as amended.

As to independent claims 11, 21, 31, 59, 62, 65 and 68, these claims contain an element similar to that as described above with respect to claim 1, and thus Applicant respectfully maintains that these claims are also in condition for allowance.

As to dependent claims 2, 3, 6-8, 12, 13, 16-18, 22, 23, 26-28, 32-48, 51-58, 61, 64, 67, and 69-75, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The Second 35 U.S.C. § 103 Rejection

Claims 4, 5, 9, 10, 14, 15, 19, 20, 24, 25, 29, 30, 49, 50, 60, 63 and 66 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Applicant's Admitted Prior Art in view of Chao et al. and in further view of Ganz et al. as applied to claims 1, 11, 21 and 31 above, and further in view of Hanko et al.<sup>3</sup>. This rejection is respectfully traversed.

As to dependent claims 4, 5, 9, 10, 14, 15, 19, 20, 24, 25, 29, 30, 49, 50, 60, 63 and 66, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

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<sup>3</sup> U.S. Patent No. 6,438,141

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

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